



Loudoun County, Virginia

www.loudoun.gov

Office of the County Administrator

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At a business meeting of the Board of Supervisors of Loudoun County, Virginia, held in the County Government Center, Board of Supervisors Meeting Room, 1 Harrison Street, S.E., Leesburg, Virginia, on Tuesday, July 3, 2018 at 5:00 p.m.

IN RE: Draft Affordable Multi-family Housing Loan Program Guidelines and Process
(Countywide)

Chairman Randall moved that the Board of Supervisors approve the Affordable Multi-family Housing Loan Program Guidelines as proposed by staff in the July 3, 2018 draft provided as Attachment 2 to the July 3, 2018, Board of Supervisors Business Meeting Action Item, and direct staff to publish the Notice of Funding Availability for this year no later than July 30, 2018.

Seconded by Supervisor Volpe.

Voting on the Motion: Supervisors Buona, Higgins, Letourneau, Meyer, Randall, Saines, Umstattd, and Volpe – Yes; None – No; Supervisor Buffington – Absent for the Vote.

A COPY TESTE:


DEPUTY CLERK TO THE LOUDOUN COUNTY
BOARD OF SUPERVISORS

STAFF RECOMMENDED

**Revised Draft
County of Loudoun
Affordable Multi-family Housing Loan Program
Guidelines**

July 3, 2018

(Text recommended for deletion shows as struck through and text recommended to include shows as underlined)



AFFORDABLE MULTI-FAMILY HOUSING LOAN PROGRAM GUIDELINES

Purpose

The fundamental purpose of the Affordable Multi-family Housing Loan Program (Program) is to increase the supply and retention of affordable multi-family rental housing units in Loudoun County (County) to support housing for County citizens and the workforce, which is critical to the County's economic development, by providing financing in accordance with these Guidelines (Guidelines). The Guidelines are established to enable the County to provide gap financing in affordable housing projects to encourage private investment to address the unmet housing needs of County citizens and workers, and to guide the processing and approval of loans.

Within the Program, and in addition to loans, the County may also offer other non-cash County services or benefits, including but not limited to commitment to donate public land or buildings or reduction on County fees.

Use of the Program Loans

The purpose of the program is to provide loans to finance affordable, rental housing within the County to help address the unmet rental housing needs of County households earning 60% or less of the Area Median Income (AMI). Loans shall be provided to finance units in excess of the minimum number of Affordable Dwelling Units (ADU) necessary to satisfy the requirements of Article 7 of the Zoning Ordinance. The County of Loudoun Board of Supervisors (Board), through the Program, serves as a gap lender. Loans are intended to provide assistance to developers with gap financing, not to pay the entire cost of project development. For purposes of the Program, the term Affordable Housing refers to households earning 60% AMI or lower.

The Program may provide loans to assist funding the following types of projects:

- 1) Multi-family affordable rental housing units in the County ~~for the benefit of households with an income of 60% or less of the AMI for the Washington Metropolitan Statistical Area~~ developed pursuant to the Virginia Housing Development Authority (VHDA) Low Income Housing Tax Credit (LIHTC) program (VHDA LIHTC) or a U.S. Department of Housing and Urban Development (HUD) 221(d)(4) Affordable program that meets the definition of Affordable Housing included in the HUD Multifamily Accelerated Processing (MAP) Guide, Revised January 29, 2016, as amended, from the Office of the Assistant Secretary for Housing -FHA Commissioner (HUD 221(d)(4) Affordable), as applicable, or



2) Multi-family affordable rental housing in the County with units for the benefit of households within the income and the rental limits defined by sections 1450.03 (b) and 1450.07, respectively, of Chapter 1450 of County Ordinances.¹

The Program will assist funding the construction, rehabilitation, and/or preservation of affordable rental housing in the County, at the discretion of the Board. The following are the eligible uses of the loans:

- Construction of affordable units. Construction refers to development of new multi-family housing structures.
- Rehabilitation/Renovation of affordable units. Rehabilitation/Renovation is defined as repairs, improvements, replacements, alterations, and additions to existing properties, and the labor, materials, tools, and other costs of improving buildings, other than minor or routine repairs. This term includes renovation that involves costs of 75 percent or less of the value of the building before rehabilitation. Loans may be made for all levels of renovation—minor, moderate, and substantial, and include adaptive reuse, use conversion from nonresidential to residential.
- Real estate acquisition directly linked to preservation, construction or rehabilitation/renovation of affordable units. Preservation requires ensuring the long term and ongoing availability of affordable rental units on currently built property.

The Program may not be used to finance the following non-eligible items:

- Operating expenses
- Social services
- Project reserves
- Hard or soft cost contingencies
- Developer fees
- Pre-development costs
- Builder's profit or overhead
- Architect administration
- Syndication related costs
- Construction management fees

¹ These programs are referenced in the Amended and Restated County of Loudoun Housing Trust (Trust), Article 7 (Affordable Dwelling Units, ADU) of the Loudoun County Zoning Ordinance, and Chapter 1450 of the County Codified Ordinances as eligible for County financial support from the Trust. Article 8 of the Loudoun County Zoning Ordinance defines Affordable Dwelling Unit and Affordable Housing Unit. (Articles 7 and 8 can be viewed here: <https://www.loudoun.gov/DocumentCenter/View/99645> .
Amended and Restated County of Loudoun Housing Trust approved by the Board on July 20, 2018 can be viewed here.
<https://portal.loudoun.gov/LFPortalInternet/0/foi/195869/Row1.aspx?dbid=0&startid=195869&row=1>
Sections 1450 03 (b) and 1450 07 of Chapter 1450 of County Ordinances



- Development/financing consultant fees, or fees for other non-development related services, including funded guarantee or reserve accounts required by lenders or investors
- Units for rent at market rate
- Financing fees

Loan applications for a mixed income project (projects that include rental units to benefit households with income higher than 60% AMI) or a mixed use project could be considered as long as the loan applicant demonstrates in the loan application materials (particularly the development and operating budgets) that any resource from the Program will only be allocated toward costs associated with affordable housing uses and units eligible to be funded by the Program.

A mixed income or mixed use proposal means a project that provides both affordable housing and market rate units for rent. Market rate non-eligible units and uses must be identified in the loan application but shall be segregated out of the budget. The sources side of the budget must show what portion of each source is allocated to eligible and to ineligible uses. The budget in the loan application must show the following: Eligible uses (line by line, and total); ineligible uses (line by line, and total); total uses; sources allocated to eligible uses; sources allocated to ineligible uses; total sources. In summary, the loan applicant must be able to show that the portion of the building that is ineligible for financing from the Program can be financed without the Board's assistance. A loan applicant cannot divert resources from a source that is generated by income from eligible uses or eligible cost basis to finance ineligible costs or expenses, thereby creating a larger funding gap.

Eligible Loan Applicants

Eligible loan applicants include non-profit and for-profit affordable housing developers that propose to incorporate long-term affordable rental housing into a multi-family residential development within the County. All applicants must have demonstrated capacity, experience developing products similar to that proposed and with acceptable credit histories.

Funding Availability

The Program is funded by appropriations from the Board out of the County of Loudoun Housing Trust (Trust). The Program is available to developers of affordable rental housing through an annual competitive loan application process. Every year, not later than May 1, the Department of Family Services will publish on the County's website, a Notice of Availability disclosing the loan application schedule for the same year and any other requirement specific to that year.

In order to be considered, complete loan applications must be submitted by 5:00 p.m. EST on the first business date in October as set forth in the Notice of Availability. The Board will decide whether to provide a loan based on consideration of the applications not later than the second regular business meeting of the Board in February of the following year.



Resources in the Program are not specifically derived from local tax revenues and cannot be predicted, thus, the balance in the Program is viewed as discreet and finite. The Board's objective is to provide the greatest affordable housing benefit to the public and maximize the utilization of resources in the Program while preserving it as a funding source for the long-term; creating, if possible, a more predictable revenue stream. The Board will allocate resources to assist affordable rental housing projects while preserving sufficient funds to sustain, promote, and advance the goals of the County's affordable housing programs for the long-term. Should the Board deem the balance in the Program insufficient to meet the County's long term housing policy goals, loan availability may be withdrawn at the Board's discretion. The Board, upon recommendation from County staff, will consider whether to concentrate funding within the same group or related parties based on an evaluation of business risk to the County. For projects to be developed pursuant to VHDA LIHTC or HUD 221(d) (4) Affordable programs, the County will commit to loans from the Program contingent upon the loan applicant obtaining VHDA LIHTC and/or HUD 221 (d) (4) Affordable approvals, as applicable.

Loan Application Review Criteria

The Program is available to developers of affordable rental housing for rent through an annual competitive loan application process. Funding decisions will be made based on the merits of each loan application as graded in accordance with the Affordable Multi-family Housing Loan Program Criteria and Scoring Guidance (Program Scoring Guidance, ~~Attachment 1 of the Guidelines~~), and the availability of resources in the Program as per the Notice of Availability. Loans may be approved by the Board for less than the full amount requested in the loan application. Highest consideration will be given to loan applications that demonstrate, based on information provided in the loan application that the project will rehabilitate, construct and/or preserve the greatest number and highest quality of affordable units to serve County households at the greatest need in the most economically sustainable way.

~~Under exceptional circumstances, should the Board deem it necessary to attend to without delay a specific affordable housing need in the County, the Board may consider off cycle loan applications, which will be evaluated using the same Program Scoring Guidance. Off-cycle applications will only be considered for "time-sensitive third party acquisition", which for the purposes of the Program means real estate currently listed on the open market, or to be listed on the open market in the immediate future. An applicant applying to be considered out-of-cycle shall present a letter to the County (see paragraph 11 of Application Process below) with information about the project (location, units, price) and documentation of time sensitivity (listing or letter from owner). The letter shall describe why an in-cycle application would preclude the ability to purchase. Off-cycle applications require approval from the Board before they begin the review process.~~

The County reserves the right to disqualify any project for justifiable reasons that were not contemplated when these Guidelines or the Program Scoring Guidance were established.



Gap Financing

The Board serves as a gap lender. Loan applicants must demonstrate that they have maximized all other financing sources before requesting a loan from the Program. The amount of the loan cannot be higher than the minimum amount necessary to make the affordable rental housing project feasible. The gap financing will be calculated as the difference between the total financing available for the affordable rental housing project, including equity investment, and the total development costs of the same affordable rental housing project. The loan applicant shall structure the loan request so as to maximize the long-term affordability and sustainability of the affordable rental housing project receiving assistance from the County, as well as to encourage opportunities that include project participation from other public and private funding sources. A priority for the Board in awarding the competitive loan is the ability of the developer to leverage the County's funds to secure private investment and other federal, state, and local sources of financing.

Rent Restrictions

During the compliance period, which shall last at least 15 years after closing of the loan plus the extended affordability period agreed to by the borrower (minimum additional 15 years), the project shall include the following rent restrictions:

- The gross rent, including utilities, with respect to such unit does not exceed 30 percent of the imputed income limitation applicable to such unit size;
- The monthly rent of the affordable rental units will be restricted in accordance with rent limitations imposed by the VHDA LIHTC program and/or the HUD 221(d)(4) Affordable program, as applicable, or by a declaration of covenants for affordable units offered for rent for the benefit of households with the income and the rent limits as defined by Chapter 1450 of County Ordinances;
- The affordable rental units will be offered for rent for the benefit of households with an income of 60% AMI or less in accordance with the income limitations and eligibility requirements imposed by the VHDA LIHTC program and/or the HUD 221(d)(4) Affordable program, as applicable, or by a declaration of covenants for affordable units offered for rent for the benefit of households with the income and the rent limits as defined by Chapter 1450 of County Ordinances.
- The rental units that do not qualify herein as affordable housing, but qualify as affordable in accordance with the VHDA LIHTC program and/or the HUD 221(d)(4) Affordable program, will be offered for rent in accordance with income limitations and eligibility requirements imposed by those programs, as applicable.
- A mixed income or mixed use project must at least comply with rent restrictions and income limitations required by VHDA LIHTC or HUD 221(d)(4) Affordable program, as applicable, and the loan will be made to support the affordable rental units only. ~~have a minimum of 20% of the rental units occupied by households with incomes at or below 50% AMI, or a minimum of 40% of the units occupied by households with incomes at or below 60% AMI and the loan will be made to support the affordable rental units only.~~



Loan Application Package

The loan applicant is required to provide a complete loan application package by 5:00 p.m. EST on the first business day in October as set forth in the Notice of Availability. The loan application package shall contain any material documents, records, or other information deemed necessary by the loan applicant to be necessary for the County staff and the Board to review and grade the loan application. The loan application package must contain the following:

1. 4 physical (1 original and 3 copies) and 1 electronic copy of loan application and attachments;
2. Based on the information provided in the loan application, a short, one-page statement of facts that explains why in the loan applicant's opinion the project will rehabilitate, construct, and/or preserve the greatest number and highest quality of affordable rental units to serve County households of the greatest need in the most economically sustainable way. Statement must be signed and include the required certifications (see Item 2 of the Application Requirements, page 14);
3. \$500 non-refundable loan application fee;
4. Loan applicant's organizational chart, including ownership structure identifying corporate/partnership membership in levels to show individuals' names rather than entities as ultimate owners, with percentage of interest by each level of ownership;
5. Organizational chart of the project developer, including ownership structure identifying corporate/partnership membership in levels to show individuals' names rather than entities as ultimate owners, with percentage of interest by each level of ownership;
6. Organizational chart of the proposed affordable housing project management, including ownership structure identifying corporate/partnership membership in levels to show individuals' names rather than entities as ultimate owners, with percentage of interest by each level of ownership;
7. Operating or partnership agreement of ownership entity;
8. One-page resume of each principal named in the above organizational charts, and of each key manager of entities listed in the above organizational charts in charge of development and management of the project;
9. Disclosure of each principal's (named in the above organizational charts) participation on previous or same year affordable housing applications within or outside the County;
10. Virginia State Corporation Commission's certification of good standing of ownership entity, developer and manager entities. If a single purpose entity is the owner, certificate of good standing of the member(s), manager(s), managing member(s), shareholder(s) or partner(s) of such entity, as applicable; section 501(c)(3) Determination Letter, if a non-profit organization;
11. Applicant financial statements as required to be submitted to VHDA and/or the HUD 221 (d)(4) Affordable programs.



12. Letter from each member of the loan applicant's team certifying, including but not limited to those listed in 4, 5, and 6 above, that he/she is not or has not been debarred from participation in any federal program nor have any unresolved default or noncompliance issues with the County of Loudoun or the Commonwealth of Virginia;
13. Site control documentation, which should reflect at least the right to acquire or lease the site pursuant to an executed, valid and binding written option or contract between the applicant and the fee simple owner of such site;
14. Architectural concept plan and design, including interior and exterior materials to be used. For projects that involve rehabilitation/renovation of existing buildings, a capital/physical needs assessment or a property conditions needs assessment is also required;
15. Construction cost estimate;
16. Project architect's certification of registration in Virginia;
17. Environmental site assessment, when the project will be accompanied by a Project-Based Voucher application;
18. Zoning approval, including special exception, if any, that demonstrate that the proposed development is a matter of right;
19. Relocation assistance plan for existing and occupied buildings that result in the displacement of current occupants;
20. Project development budget in the form of sources & uses of funds;
21. 30-year operating pro forma (including aggregate & per unit amounts);
22. Tax credit calculations, if applicable;
23. Letters of intent or interest for all funding sources identified in the loan application, if available. At a minimum, a narrative of all proposed funding sources and amounts must be provided;
24. Loan applications proposing projects developed using the LIHTC and/or HUD 221(d)(4) Affordable programs must present a plan for the project that addresses the period after the initial 15 year compliance period, which clearly describes the exit strategy for the limited partner and the anticipated ownership changes; any anticipated refinancing, re-syndication, or sale to a third party; and how affordability will be maintained through the 30-year extended affordability period.

If not available at the time of submission of the loan application package, the following documents will be required before final review of the loan application and as a condition of loan approval:

1. Appraisal of proposed site (not older than one year) containing "as-is" or "as-built" or "as complete", as applicable if vacant or built, and "as-built or as-complete with restricted rent and income" and "as-built or as-completed and unrestricted income" valuations; ~~and~~
2. Market study of the housing needs of low income households in the area to be served by the project demonstrating demand for the specific type of affordable rental housing proposed in the project; ~~and~~
3. Environmental Site Assessment when the project will *not* be accompanied by a Project-Based Voucher application.



At a minimum, the following items must be estimated in the loan application and managed throughout the life of the loan, if approved, in accordance with the requirements of the VHDA LIHTC and/or the HUD 221(d) (4) Affordable programs. In addition to such minimum requirements, other requirements requested by the primary lender and accepted by the loan applicant will also apply to the following items:

- Operating reserves;
- Contingency amount;
- Developer fees and other fees in the development budget;
- Operating expenses;
- Reserve for replacement deposits;
- Vacancy rate;
- Minimum design and construction requirements.

The obligation of the loan applicant to provide documents, records, or other information requested by the County in order for the County to review the application continues throughout the loan application review process. The obligation of the borrower to provide documents, records, or other information relevant and material to the loan (e.g. final commitment letters from all funding sources; updated income/expense, uses/sources, pro forma; fee simple site control documentation; and updated partnership agreement of ownership entity among others) continues throughout the closing of the loan and monitoring phases, whether or not the County has made the request.

Construction or Rehabilitation/Renovation Costs and Acquisition Price

The construction or rehabilitation/renovation costs of the project to be partially financed with the loan must be within a reasonable range for the proposed scope of work. Construction or rehabilitation/renovation costs include all work, including site development, associated with the physical development of the project, together with the builder's overhead and profit, but not including architectural and engineering costs or other fees related to design and permitting. The construction contingency should be factored when calculating the construction or rehabilitation costs of the project.

For projects that involve acquisition of real property, the purchase price may not exceed the lesser of the sale contract price, the "as is" appraised value of the property, or the fair market value as assessed by the County's Commissioner of the Revenue.

Funding per Project

The loan amount is based on the number of units provided in excess of the ADU requirements of Article 7 of the Zoning Ordinance, at a maximum rate of \$30,000 per affordable unit, contingent on the demonstrated gap financing needed for the loan and the availability of resources in the Fund. At the Board's discretion, for affordable rental housing projects that offer units benefitting households



with incomes at 50% AMI or less, the rate per unit may be greater than \$30,000, depending upon the demonstrated funding gap and Program funding availability.

Interest Rate

Interest rates on the loan will be simple interest at a fixed rate of interest equal to the 10-year Treasury bill rate, as set 60 days prior to closing of the County loan. The Board may request additional commitments from the borrower (such as longer affordability commitment beyond thirty-years) in exchange for a half a point lower interest rate.

Loan Collateral/Security

The loan must be instrumented as a promissory note payable to the County, secured by a deed of trust on the property where the proposed affordable rental housing project is located; the notes and respective deed of trust will be subordinated only to the primary lender, and at all times with a secured priority no lower than second position with respect to any lender. The deed of trust will have a non-recourse clause.

In cases where the project involves a ground lease, the County may, at the discretion of the Board, subordinate the loan to the fee owner under the lease agreement. In cases where the loan applicant demonstrates that a bridge loan is required to make the project feasible, the Board may accept in its own discretion, that the loan be subordinated to a third position, based on a recommendation by the County Administrator and supported by the County Attorney, if there is equivalent collateral to protect the interest of the County.

~~In cases where the project involves a ground lease, the County may also be subordinated to the lease agreement, at the discretion of the Board, on a case by case basis.~~

Along with the deed of trust, the borrower must execute a declaration of covenants, in a form suitable for recordation among the land records of the Loudoun County Circuit Court, providing that the number of affordable rental units financed with the loan shall remain subject, for at least the entire period during which the loan remains outstanding, to the income eligibility requirements and rent price restrictions and limitations prescribed by the VHDA LIHTC program, the HUD 221(d)(4) Affordable program, or Article 7 of the Zoning Ordinance and Chapter 1450 of County Ordinances, as applicable.

Equal Housing Opportunity

All projects receiving loans from the County must comply with applicable Equal Housing Opportunity and Fair Housing laws.

Loan Repayment Schedule

The County will approve loan terms where repayment is feasible and does not jeopardize the long-term affordability and sustainability of the proposed affordable housing project. Long-term affordability means not less than a fifteen (15) year compliance period plus the extended affordability



period agreed to by the borrower. Loan applicants must demonstrate the ability to repay the loan based on the terms of the loan. Length of the loan shall not exceed the length of the project affordability period and the rent restrictions shall apply while the loan funding is outstanding. The affordability period will not be shortened or the affordability covenants will not be released should the loan be paid off ahead of schedule. The loan will be due and payable in the event of a sale or refinance of the project, unless the Board, at its discretion, previously agrees to the transaction. Notwithstanding, the County will not call the loan due and payable if the sale or refinance of the project, as applicable, will be the result of a restructuring agreement between the developer/operator/manager of the project and VHDA or HUD, as applicable, as long as (i) the County is informed in advance by the developer/operator/manager of the project of their reaching out to VHDA or HUD and (ii) the secured priority of the County's loan remains intact with respect to any lender.

Repayment terms may be under one, or a combination of structures to include amortization or payments equal to 75 percent of ~~net cash flow-residual receipts~~, but no more than the amount that would be due on a 40-year amortizing loan. ~~Residual receipts~~ Net cash flow shall specifically include, but not be limited to, the amount by which gross revenues exceed annual debt service payments, approved operating expenses, and payments to the replacement reserve. Any other fees or payments in excess of what is stated here must be paid from the applicant's portion of residual cash flow. If an applicant can demonstrate that the 75/25 cash flow split makes the project infeasible or otherwise negatively impacts both the project and the Board's investment, a justification for a different split (no lower than 50/50), including repayment of deferred developer fee ahead of the Board, may be submitted to the Board for consideration. The Board may require an additional affordability commitment beyond the thirty-year affordability commitment in exchange for a reduced ~~residual receipt~~ net cash flow split.

Regardless of the structure of the loan, the County expects and requires repayment of the loaned amount in full. The outstanding balance of the loan (principle and accrued interest) is due at the end of the loan term. The length of the loan shall not exceed 40 years at any point in time. Under special circumstances, at the discretion of the Board, loan terms may be extended to meet specific requirements, such as those associated with HUD 221(d)(4) Affordable program financing.

LIHTC Initial Compliance Period Specific Requirement

All loan applicants proposing projects developed using the VHDA LIHTC and/or HUD 221(d)(4) Affordable program must present a plan for the project that addresses the period after the initial 15 year compliance period.

The plan must clearly describe the following:

- Exit strategy for the limited partner and anticipated ownership changes;
- Any anticipated refinancing, re-syndication, or sale to a third party;
- How affordability will be maintained through the extended affordability period.



Loan applicants must agree to maintain affordability for 30- years (to include the first 15 year compliance period and a minimum 15 year extended affordability period) by waiving the right to seek a qualified contract for project purchase at the end of the 14th year of the compliance period.

Administrative Fee

There will be a \$500 non-refundable administrative fee, payable at the time of submission of the loan application, to partially recover costs to process and underwrite such loan application.

Project Monitoring

The County has the right to inspect and monitor the affordable rental housing project, including gaining access to the management and financial records of the borrower and VHDA LIHTC and HUD required reports to determine compliance with household income and rental restrictions, restrictive covenants, and terms and conditions of the loan. The requirement to provide information continues throughout the term of the loan and includes any documents requested by the County to support calculations of residual receipts, reporting to other lenders or investors, and any other document, report, or information relevant and material to the loan, whether or not the County has requested it.

Application Process

1. All funding decisions will be at the discretion of the Board. The loan application process will be managed by the Loudoun County Department of Family Services, Division of Housing and Community Development, assisted by other County staff to include staff from the Departments of Planning & Zoning, Economic Development, Finance & Procurement, and the County Attorney's Office. Other County staff may be asked to participate depending upon the specific attributes of the affordable rental housing proposal.
2. Applications are due by 5:00 p.m. EST on the first business day in October of each year as advertised in the Notice of Availability.
3. Loan approval will be based upon project scoring, which has been designed to measure the affordable housing project and its overall value to increase the County's affordable housing supply.
4. ~~The loan applicant may request to meet with County staff before the loan application is submitted to clarify questions related to such loan application. This pre-application meeting, if requested, will be held before submittal of the loan application.~~
At least 45 days in advance of the deadline to submit loan applications, for information purposes and to respond to questions. County staff will conduct a pre-application meeting with all prospective loan applicants at a date and time indicated in the Notice of Availability.



5. A complete loan application **must** be submitted by the October deadline in order to be considered in that year's loan application cycle. Each loan cycle is independent and loan applications submitted during one year will not carry over to the next year.
6. Loan applications will be reviewed for completeness and date stamped. Once the loan application is submitted, the loan applicant will receive written confirmation of receipt of the application and will be notified within 10 business days by the Department of Family Services of loan application completeness. Once a loan application has been submitted to the County, it cannot be changed, modified, or supplemented by the loan applicant, except when the loan applicant receives a written request from the Department of Family Services to provide a new document or record.
7. A professional underwriter, under contract with the County, will evaluate the loan application for risk and will work in conjunction with County staff.
8. Each loan applicant with a complete application will have the opportunity to provide a presentation of their application during the review process at the direction of the County staff.
9. The County staff will grade and rate each loan application based on the Guidelines and the Program Scoring Guidance and, in conjunction with the underwriter, will develop a written recommendation to the Finance/Government Operations and Economic Development Committee (FGOEDC) of the Board regarding each loan application, within a 45 calendar day review process after the loan applicant's receipt of a letter of acceptance of a complete loan application. The FGOEDC Committee will present its recommendation to the Board within 60 calendar days.
10. Final funding decisions are made by the Board, not later than the second regular business meeting of the Board in February of the year following the publication of the Notice of Availability. Approved loan(s) will be available for closing within thirty (30) business days after the Board's approval.
11. An applicant must submit 1 original and 3 hard copies of the loan application, including attachments, as well as an electronic copy via email, including attachments. The loan application shall be mailed or electronically delivered to:

Department of Family Services
Attn. Sarah Coyle Etro, AICP
Assistant Director
Division of Housing and Community Development
102 Heritage Way, N.E.
Suite 103



Leesburg, VA 20176
sarah.coyleetro@loudoun.gov



**COUNTY OF LOUDOUN
AFFORDABLE MULTI-FAMILY HOUSING LOAN PROGRAM
APPLICATION ELIGIBILITY REQUIREMENTS**

**ALL ITEMS LISTED BELOW MUST BE INCLUDED WITH THE LOAN
APPLICATION. INCOMPLETE APPLICATIONS WILL BE REJECTED.**

**THE COUNTY WILL NOT ACCEPT REQUIRED DOCUMENTS AFTER
THE SUBMISSION DEADLINE**

**FOR OFF-CYCLE LOAN APPLICATIONS PLEASE REFER TO SECTION
LOAN APPLICATION REVIEW CRITERIA IN THE GUIDELINES**

Item	Provided (Y/N)
1. Four physical (1 original and 3copies) and one electronic (e-mail) copy of the loan application and attachments.	
2. Based on the information provided in the loan application, submit a short, one page statement of facts that explains why in the applicant's opinion this project will rehabilitate, construct, and/or preserve the greatest number and highest quality affordable rental units to serve County's households at the greatest need in the most economically sustainable way. Statement must be signed and dated and include the following statements from the applicant: 1. The loan applicant hereby certifies that no relationship exists between the loan applicant and the seller of the project site, except as shown in this application. 2. The loan applicant hereby certifies that the information set forth in this application is true, correct, and complete. 3. The loan applicant understands and agrees that the information in this application may be disseminated to others for purposes of verification or other purposes consistent with the Virginia Freedom of Information Act. However, all information will be maintained, used or disseminated in accordance with the Virginia Privacy Protection Act. The loan applicant may refuse to supply the information requested, however, such refusal will result in the County's inability to process the application. The original or copy of this application may be retained by the County, even if the loan is not made.	



3. \$500 loan application fee (non-refundable).	
4. Loan applicant's organizational chart, including ownership structure identifying corporate/partnership membership in levels to show individuals' names rather than entities as ultimate owners, with percentage of interest by each level of ownership.	
5. Organizational chart of the project developer, including ownership structure identifying corporate/partnership membership in levels to show individuals' names rather than entities as ultimate owners, with percentage of interest by each level of ownership.	
6. Organizational chart of the proposed affordable housing project manager, including ownership structure identifying corporate/partnership membership in levels to show individuals' names rather than entities as ultimate owners, with percentage of interest by each level of ownership.	
7. Operating or partnership agreement of ownership entity.	
8. One page resume of each principal named in the above organizational charts, and of each key manager of entities listed in the above organization charts in charge of development and management of the project.	
9. Disclosure of each principal's (named in the above organizational charts) participation on previous or same year affordable housing applications or project within or outside the County.	
10. Virginia State Corporation Commission's certification of good standing of ownership entity and developer and manager entities. If a single purpose entity is the owner, certificate of good standing of the member(s), manager(s) or managing member(s), shareholder(s) or partner(s) of such entity, as applicable; section 501(c)(3) Determination Letter, if a non-profit organization.	
11. Applicant financial statements as required and submitted to VHDA and/or the HUD 221 (d)(4) Affordable programs.	
12. Letter from each member of the loan applicant's team, including but not limited to those listed in 4, 5, and 6 above, certifying that he/she is not or has not been debarred from participation in any federal program nor have any unresolved default or noncompliance issues with the County of Loudoun or the Commonwealth of Virginia.	
13. Site control documentation, which should reflect at least a seller and buyer executed binding purchase agreement.	
14. Architectural concept plan and design, including interior and exterior materials to be used. For projects that involve rehabilitation/renovation of existing buildings, a capital/physical needs assessment or a property conditions needs assessment is also required.	



15. Construction estimate.	
16. Project architect's certification of registration in Virginia.	
17. Environmental site assessment, <u>when the project will be accompanied by a Project-Based Voucher application.</u>	
18. Zoning approval, including special exception if any, that demonstrates that the proposed development is a matter of right.	
19. Relocation assistance plan for existing and occupied buildings that result in the displacement of current occupants.	
20. Project development budget in the form of sources & uses of funds (provided in Excel format).	
21. 30-year operating pro forma (including aggregate & per unit amounts) (provided in Excel format).	
22. Tax credit calculations, if applicable (provided in Excel format).	
23. Letters of intent or interest for all funding sources identified in the loan application, if available. At a minimum, a narrative of all proposed funding sources and amounts must be provided.	
24. Loan applications proposing projects developed using the LIHTC and/or HUD 221(d)(4) Affordable program must present a plan for the project that addresses the period after the initial 15 year compliance period, which clearly describes the exit strategy for the limited partner and anticipated ownership changes; any anticipated refinancing, re-syndication, or sale to a third party; and how affordability will be maintained through the extended affordability period.	

If not available at the time of submission of the loan application package, the following documents will be required before final review of the loan application and as a condition of loan approval:

1. Appraisal of proposed site (not older than one year) containing "as-is" or "as-built" or "as complete", as applicable if vacant or built, and "as-built or as-complete with restricted rent and income" and "as-built or as-completed and unrestricted income" valuations; ~~and~~
2. Market study of the housing needs of low-income households in the area to be served by the project demonstrating demand for the specific type of affordable rental housing proposed in the project; and
3. Environmental site assessment, when the project will *not* be accompanied by a Project-Based Voucher application.

Loan applicant may submit along with the loan application package any other document that the applicant considers material to its loan application. The County may request, at County's discretion,



the submission of additional documents or information necessary to better inform the County of the terms of the affordable housing proposal.



County of Loudoun Affordable Multi-family Housing Loan Program Criteria and Scoring Guidance

Criteria	Scoring Guidance	Max. Points Available
SECTION 1: Consistency with Countywide Housing Needs		
Commitment Period	Highest Points: 60 + years commitment to maintaining affordability of units consistent with targeted households as proposed.	5
Affordable Units below 60% AMI	Highest Points: Ten percent or more of the project units provide housing for extremely low income (30% AMI or less) households.	5
Affordable Units for Persons experiencing homelessness	Highest Points: Ten percent or more of the project units provide housing for households or persons experiencing homelessness or with history of chronic homelessness.	5
Size of the units	Highest Points: Forty percent or more of the project units are family- sized units of 3 bedrooms or more, or entry-level worker units of 1 bedroom or studios.	5
The project provides housing for older adult residents.	Highest Points: Twenty percent or more of the project units are senior housing, with 100% of the units for older adults being fully accessible, 504 compliant, and meeting requirements of ADA and ANSI A117.1.	5
The project provides housing for persons with disabilities.	Highest Points: Twenty percent or more of the project units are housing for persons with disabilities, with 100% of those units fully accessible, 504 compliant and meeting requirements of ADA and ANSI A117.1.	5



Transportation	Highest Points: Proposed project is located within walking distance (approximately .25 mile) to public transportation.	5
Permanent Supportive Housing Units	Highest Points: At least ten percent of the project units are Permanent Supportive Housing units for individuals with a history of chronic homelessness with a disability with 100% of the units fully accessible, 504 compliant and meeting requirements of ADA and ANSI A117.1. Permanent Supportive Housing is funded using sources different from County's social programs, applicant has provided a Supportive Services Plan, the supportive service provider is a registered 501(c)(3) not-for-profit organization, and the Plan complies with applicable regulations.	5
Geographic distribution	Highest Points: The project is located within the Urban Policy Areas, the areas surrounding the Silver Line Metro stations and along Route 7 and Route 28 interchange, redevelopment and infill areas, or an incorporated Town.	5
SECTION 1 Total maximum points available		45
SECTION 2: Project Design		
Universal Design	Highest Points: The project applies Universal Design principles to allow the built environment to be usable by people of all ages and abilities, and promotes the ability for people to age in place.	5
Building Innovation	Highest Points: The project incorporates green building standards such as, but not limited to, Passive House, Living Building Challenge and EnergyStar Certification;	3



	LEED or EarthCraft certification with ongoing energy use tracking, uses energy efficient design and construction principles; promotes high performance and sustainable buildings, and minimizes construction waste and other negative environmental impacts.	
Rehabilitation/Renovation projects	Highest Points: The project provides for adaptive re-use of existing unused, or underutilized structures or materials.	5
Amenities	Highest Points: The project will provide on-site amenities that could include, but not be limited to community meeting room, outdoor playground, swimming pool, green space, community garden, etc.	3
Location within the Community	Highest Points: The project will be located within walking distance (approximately .25 mile) of existing employment opportunities, public schools, and other amenities that could include, but not be limited to library, hospital, food store, park, community center,	5
Mixed-Income or Mixed Use Project	Highest points: Affordable housing projects that include no more than twenty percent of market-rate units, as long as the affordable units are distributed throughout the project in all floors and sections so as not to concentrate the affordable units in any one area of the development/building. Multifamily buildings must have a shared entrance, and applicant has demonstrated that market-rate units are fully financeable without Fund participation and that no subsidy source for affordable housing is directly or indirectly financing the market-rate units.	3
<i>SECTION 2 Total maximum points available</i>		24



SECTION 3: Project Readiness		
Planning, design, and construction process	Highest points: Construction plan and documents (architectural, civil engineering, specifications) are permit-ready and the construction budget is aligned with such plans; site plan or use permit process identified and approved by County's planning staff.	3
Public participation process	Highest points: Civic association consulted; appropriate schedule for public participation process.	3
Feasibility	Highest points: Demonstrated a feasible plan through the documents/information provided within the loan application package and a reasonably to-be-accomplished milestone schedule.	5
Preservation Project	Highest points: Preservation projects on currently built property with an existing and expiring affordability deed/covenant restriction or operating subsidy or a market-rate project, to provide affordable housing, with the goal of upgrading the housing quality for existing affordable housing and commitment to an extended affordability period.	5
SECTION 3 Total maximum points available		16
SECTION 4: Experience		
Design Team Experience	Highest Points: Design team with extensive (10+ years) experience in green design and construction.	3



General Contractor Capacity and Experience	Highest Points: Selected general contractor demonstrates exemplary track record in projects of similar size, scale, type, and complexity to the proposed project to have delivered similar projects on time, on budget, and to the highest quality standards, while maintaining compliance with applicable industry and environmental regulations.	3
Developer Experience	Highest Points: The applicant submitted documentation of experience as a developer of affordable housing, to include taking projects through a community process and obtaining approvals; receiving Low Income Housing Tax Credits; inclusion on the VHDA experienced developer list; closing on debt and equity financing; history of repayment and obtaining building permits.	5
Project Completion	Highest Points: Proven track record of completing affordable housing projects on budget and on schedule.	3
Property Management	Highest Points: Selected management agent demonstrates successful track record in projects of similar size, scale, type, and complexity to the project proposed, including demonstrated ability to maintain ongoing compliance over the life of a project. Applicant has submitted documentation of proven property management experience, well-maintained, violation-free properties, compliance with occupancy requirements and overall tenant satisfaction in properties managed by the proposed manager.	3
Architect and/or Construction Manager	Highest Points: Selected architect and selected construction manager demonstrates a successful track record in project of similar size, scale, type and complexity to the proposed project and has experience to	3



	ensure that proposed design is compliant with all applicable regulations, including environmental, accessibility standards, zoning, and historic preservation. Architect and/or Construction Manager have capacity/experience to provide project oversight to guarantee delivery on time, on budget, and to the highest quality standards.	
Experience Partnering with Service Providers	Highest Points: 1) Tier One: The applicant submitted documentation of previous partnering with social service providers and of having provided excellent management and support services to special needs populations 2) Tier Two: The applicant has provided a detailed plan for managing and delivering support services to special needs populations	3
Fiscal and Organizational Health and Team Capacity	Highest Points: The applicant is fiscally and organizationally sound, as evidenced by the financial statements. The applicant has the financial and workload capacity to make the project a top priority, execute it as scheduled in terms of time and budget, and based on the information provided, it is reasonable to assume that the applicant will be able to develop and manage the project as proposed.	3
SECTION 4 Total maximum points available		26
SECTION 5: Budget and Leverage		
Sources of Funds	Highest Points: The project financing plan is sound, reasonable, and includes competitive sources. The applicant has submitted firm financial commitments for other sources of financing, shown the financing gap of the project, and demonstrated consistency with accepted underwriting standards. The project	5



	proposes to utilize public and private partnerships and utilizes state and federal housing programs to assist in fulfilling unmet housing needs and the financing gap.	
Uses of Funds	Highest Points: The project budget is clear, accurate, thorough, and contains a realistic set of sources and uses; acquisition costs are at or below appraised value; construction costs are supported by contractor estimates and at or below local industry standard for projects of similar size, type and complexity located in the proposed location or close proximity, and fees and soft costs are reasonable and at or below local industry standard. Applicant presents evidence of maximizing resources to minimize construction costs as possible and within compliance with industry standards.	5
Leverage and Subsidy	Highest Points: The applicant has submitted documentation of a leverage ratio of 1:3 (Fund's sources to other sources) or higher.	3
Developer Participation	Highest Points: Developer contribution equals at least 10% of the Housing Loan Fund request. 50% may come from a seller note.	3
Income	Highest Points: Income projections are reasonable and consistent with rents for targeted households; vacancy rates and other income are reasonable.	3
Operating Costs	Highest Points: Operating costs are consistent with those documented for other recent local similar developments.	3
SECTION 5 Total maximum points available		22



OVERALL SCORE TOTAL MAXIMUM POINTS AVAILABLE	133
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Loan applicant should submit with its loan application, any additional materials, not previously listed, that provide support of the applicant's plan for any of the point scoring categories.

